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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION**

10 | LISA LIBERI, et al,

CIVIL ACTION NUMBER:

Plaintiffs,

8:11-cv-00485-AG (AJW)

13 | VS.

**PLAINTIFFS EVIDENTERY
OBJECTIONS TO DEFENDANT
ORLY TAITZ'S DECLARATION
AND NOTICE TO THE COURT OF
DEFENDANT'S FILING OF AN
ALTERED/FORGED DOCUMENT
AS GENUINE**

15 ORLY TAITZ, et al,

Defendants.

Date of Hearing: June 13, 2011
Time of Hearing: 10:00 a.m.
Location: Courtroom 10D

**PLAINTIFFS EVIDENTIARY OBJECTIONS TO
DEFENDANT ORLY TAITZ'S DECLARATION and
NOTICE TO THE COURT OF DEFENDANT'S FILING of
an ALTERED/FORGED DOCUMENT AS GENUINE**

25 Plaintiffs, Philip J. Berg, Esquire [hereinafter at times "Berg"]; Lisa Ostella
26 [hereinafter at times "Ostella"]; Go Excel Global; Lisa Liberi [hereinafter at times
27 "Liberi"]; and The Law Offices of Philip J. Berg by and through their undersigned
28

counsel, Philip J. Berg, Esquire, Objects pursuant to the Federal Rules of Evidence 103, to the Declaration of Orly Taitz and the Exhibits thereto filed May 26, 2011, appearing as Docket Entry No. [“Dkt No.”] 207, in support of her Anti-SLAPP and Motion to Dismiss.

Plaintiffs are also notifying this Court of the altered/forged document, as genuine, filed by Defendant Orly Taitz's with her Declaration as Exhibit "4".

A. PLAINTIFF'S OBJECTIONS TO DEFENDANT ORLY TAITZ'S

DECLARATION, DOCKET NO. 207

a. Plaintiffs OBJECT to Paragraph 2, lines 10-15 on the grounds there is no foundation, and Defendant, Orly Taitz's litigation against President Obama and the reasons thereto are irrelevant and immaterial. *See* Federal Rules of Evidence [“*Fed. R. Evid.*”] 401 and 402.

b. Plaintiffs OBJECT to Paragraph 3 in its entirety on the grounds it is misleading, lacks foundation, immaterial, irrelevant, is an improper characterization, infers Orly Taitz and Plaintiff Philip J. Berg, Esquire worked together, which they **never** did and it is irrelevant. *See Fed. R. Evid.* 401 and 402.

c. Plaintiffs OBJECT to Paragraph 4 in its entirety on the grounds it is irrelevant and immaterial to the within litigation and irrelevant to Defendant Orly Taitz Anti-SLAPP Motion and Motion to Dismiss. *See Fed. R. Evid. 401 and 402.*

1 d. Plaintiffs OBJECT to Paragraph 5 in its entirety and Exhibit “3” as
2 they are irrelevant and immaterial to the within litigation and irrelevant to
3 Defendants Orly Taitz Anti-SLAPP Motion and Motion to Dismiss. *See Fed. R.*
4 *Evid.* 401 and 402.

5 e. Plaintiffs OBJECT to Paragraph 6 in its entirety, as it is ambiguous,
6 misleading, misstates facts, assumes facts not in evidence and lack of competent
7 evidence. Plaintiff Lisa Ostella did not approach Defendant Orly Taitz and did not
8 support Defendant Taitz’s litigation regarding President Obama. Instead, Plaintiff
9 Ostella was sought out by Defendant Orly Taitz through a third party. Plaintiff
10 Ostella was falsely lead to believe Defendant Taitz was looking into the violations
11 of the Hava Act. Plaintiff Ostella was not supporting Defendant Taitz foundation,
12 as it did not exist at the time Plaintiff Ostella and Defendant Taitz were introduced
13 and Plaintiff Ostella was asked to assist with Defendant Orly Taitz’s website.
14

15 f. Plaintiffs OBJECT to Paragraph 7 in its entirety as it is ambiguous,
16 misleading, is an improper opinion, assumes facts not in evidence and is not
17 supported by competent evidence. Plaintiff Ostella did not register the domain
18 names ‘defendourfreedoms’ on behalf of Defendant Taitz’s foundation as
19 Defendant Taitz created, registered and incorporated her company, Defend our
20 Freedoms Foundations, Inc., after Plaintiff Ostella had purchased and registered
21 the ‘defendourfreedoms’ domain names.
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1 g. Plaintiffs OBJECT to Paragraph 8, line 10, as it is ambiguous,
2 misleading, assumes facts not in evidence, improper characterization, misstates
3 facts, improper opinion, and lacks competent evidence to support the misleading
4 statement. ‘Defendourfreedoms’ is not a trade name and was not a trade name at
5 the time Plaintiff Ostella purchased the ‘defendourfreedoms’ domain names.
6

7 h. Plaintiffs OBJECT to Paragraph 8, lines 11-14 beginning with
8 “Ostella refused...” as it is ambiguous, misleading, improper opinion, misquotes
9 Plaintiff Ostella, assumes facts not in evidence, lack of personal knowledge and
10 lacks competent evidence to support. Plaintiff Ostella did not refuse to give
11 Defendant Taitz full control of the domain names on the basis that Plaintiff Ostella
12 was to maintain full control as webmaster. The ‘defendourfreedoms’ domain
13 names were owned by Plaintiff Ostella and were located on Plaintiff Ostella’s
14 servers. Plaintiff Ostella would never give access to her servers, server accounts
15 or domain names purchased and owned by her to any third party.
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17 i. Plaintiffs OBJECT to Paragraph 9 in its entirety as it is ambiguous,
18 misleading, misstates evidence, lacks competent evidence and is completely false.
19 *See the Declaration of Lisa Ostella.* It was Defendant Orly Taitz who commenced
20 the commercial activity pertaining to T-shirt sales through a third party. Defendant
21 Orly Taitz is who set the pricing for the T-shirts as demonstrated by the Email
22 attached to Plaintiff Ostella’s Declaration. Plaintiff Ostella never placed any link
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1 to the sales of T-shirts on any of the ‘defendourfreedoms’ websites or blogs.
2 Plaintiff Ostella did not have any type of Petition drive, did not take in any
3 donations for sales of T-shirts or any petition drive(s), and did not solicit any
4 donations for anything to do with Defendant Taitz’s Company, Defend our
5 Freedoms Foundations, Inc. Objection is also based on inadmissible hearsay and
6 lack of personal knowledge.

7
8 j. Plaintiffs OBJECT to Paragraph 10, lines 27-28 and line 1 located on
9 page 4 as ambiguous, misleading and lacks competent evidence. Objection also
10 based on inadmissible hearsay and lack of personal knowledge.

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12 k. Plaintiffs OBJECT to Paragraph 11, line 6 beginning with “At that
13 time Ostella...” as it is misleading and lacks competent evidence.

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15 l. Plaintiffs OBJECT to Paragraph 12, lines 10 and 11 “registered on my
16 behalf and on behalf of my foundation” as ambiguous, misleading, assumes facts
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18 not in evidence, misstates the evidence, improper opinion, misquotes Plaintiff
19 Ostella and lacks competent evidence. Plaintiff Ostella purchased and owns the
20 ‘defendourfreedoms’ domain names and Plaintiff Ostella purchased the domain
21 names prior to Defendant Orly Taitz’s creating, registering and/or incorporating
22 the company name Defend our Freedoms Foundations, Inc.

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24 m. Plaintiffs OBJECT to Paragraph 13 in its entirety as ambiguous,
25 misleading, lacks competent evidence and lack of personal knowledge.

1 n. Plaintiffs OBJECT to Paragraph 14 in its entirety as it is ambiguous,
2 misleading, misstates evidence, assumes facts not in evidence and lacks competent
3 evidence.
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5 o. Plaintiffs OBJECT to Paragraph 15 in its entirety as it is ambiguous,
6 misleading, is an improper opinion, is a conclusion and lacks competent evidence.
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8 p. Plaintiffs OBJECT to Paragraph 16 and Exhibit "4" in its entirety as it
9 is ambiguous, misleading, misstates evidence, lacks foundation, not supported by
10 competent evidence, inadmissible hearsay, and Exhibit "4" lacks authenticity as it
11 is an altered/forged document. *See* the Declaration of Lisa Ostella.
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13 q. Plaintiffs OBJECT to Paragraph 17 in its entirety as it is ambiguous,
14 misleading, misstates evidence, is a conclusion, an improper opinion, improper
15 speculation, assumes facts not in evidence and it is not supported by competent
16 evidence.
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18 r. Plaintiffs OBJECT to Exhibit "5" as it is irrelevant and immaterial.
19 *See Fed. R. Evid. 401 and 402.*
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21 s. Plaintiffs OBJECT to Paragraph 18 in its entirety as it is misleading,
22 misstates evidence, assumes facts not in evidence, is not supported by competent
23 evidence, is an improper conclusion and is completely false.
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1 **B. NOTICE of the FILING of a FALSE/ALTERED DOCUMENT; and**
2 **PERJURED TESTIMONY as GENUINE EVIDENCE**
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4 1. On or about May 24, 2011, Philip J. Berg, Esquire was contacted by
5 Jason Q. Marasigan, Attorney for Defendant Orly Taitz, and asked to cooperate in
6 the filing of a supplemental Joint 26(f) report. *See* Philip J. Berg's Declaration.
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8 2. Mr. Berg stated he would review the supplemental prepared by Mr.
9 Marasigan. *See* Philip J. Berg's Declaration.
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11 3. On or about May 24, 2011, Mr. Berg received Mr. Marasigan's
12 proposed supplemental Joint 26(f) report. *See* Mr. Philip J. Berg's Declaration.
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14 4. Mr. Berg refused to cooperate with the proposed supplemental report
15 as it contained new allegations and stories which clearly contradicted Defendant
16 Taitz's prior statements, declarations and filings. *See* the Declaration of Philip J.
17 Berg.
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19 5. Mr. Marasigan responded to Mr. Berg. Mr. Berg sent a second email
20 to Mr. Marasigan explaining the new claimed defenses and the false allegations
21 against Plaintiff Ostella, and stated he would not participate in perpetrating a fraud
22 upon the Court. See Mr. Berg's Declaration with the emails attached. Mr. Berg
23 never heard back from Mr. Marasigan. In particular was the false allegations that
24 "Plaintiffs have engaged in revisionist history in attempting to tailor their
25 allegations to their claims..." and the false statement "Some time [sic] after the
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1 blog was running, Taitz noticed that Ostella was placing commercial messages on
2 the pages, directing traffic to another website through which Ostella was selling
3 goods. When Taitz confronted Ostella about the commercial content, Ostella,
4 utilizing her position of trust and confidence as Taitz's webmaster retaliated by
5 changing the e-mail address...". Mr. Berg informed Mr. Marasigan that Orly Taitz
6 had filed numerous stories, but this was a first, and it appeared after two (2) years,
7 and a new Judge. Orly Taitz was now attempting to deceive the Court and
8 perpetrate a fraud upon the Court, which he (Mr. Berg) would not participate.
9

10
11 6. Knowing Defendant Orly Taitz's statements to be false and perjured,
12 Mr. Marasigan filed the Declaration of Orly Taitz where Orly Taitz claims that she
13 confronted Plaintiff Lisa Ostella regarding the sales of T-shirts, and asked for an
14 accounting of the proceeds, a copy of the contract, as Lisa Ostella created and
15 handled these sales. The truth of the matter, it was Orly Taitz who was dealing
16 with a third party regarding the sales of T-shirts and it was Orly Taitz who dealt
17 with the issues of contracts and pricing for the sales of these particular T-shirts.
18 Plaintiff Lisa Ostella never had any dealings with the T-shirts, and there was
19 never a link of Defendant Taitz's blog site to purchase any T-shirts. *See* the
20 Declaration of Lisa Ostella.
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23 7. Furthermore, attached to Orly Taitz Declaration as Exhibit "4" is an
24 altered/forged document purported to be a print-screen of Plaintiff Lisa Ostella's
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1 blog site, <http://defendourfreedoms.net>. However, the document is a forged/altered
2 copy where Defendant Taitz or someone on her behalf has input the initials
3 “DOFF” to appear as if Lisa Ostella was using Defendant Orly Taitz’s business
4 name to obtain monies. Plaintiff Ostella never had Defend our Freedoms
5 Foundations, Inc. name or DOFF located anywhere on her blog site,
6 <http://defendourfreedoms.net>. See the Declaration of Lisa Ostella.
7

8. The alterations/forgery of this particular document is explained with
9 Exhibits to substantiate the statements in the Declaration of Lisa Ostella. See also
10 the Declaration of Philip J. Berg, Esquire.

11 9. Defendant Orly Taitz is attempting to obtain an unfair advantage over
12 the Plaintiffs, which should not be permitted.

13 10. The filing of forged/altered documents as genuine in a Federal Court
14 and perjured statements are a criminal act, as this Court is aware, and should not
15 be permitted.

16 Respectfully submitted,
17

18 Dated: May 31, 2011

19 /s/ Philip J. Berg
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7 **UNITED STATES DISTRICT COURT**
8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA,**
9 **SOUTHERN DIVISION**

10 LISA LIBERI, et al, : CIVIL ACTION NUMBER:
11 : Plaintiffs, : 8:11-cv-00485-AG (AJW)

12 : vs. : **PLAINTIFFS CERTIFICATE OF**
13 : ORLY TAITZ, et al, : SERVICE

14 : Defendants. :
15 :
16 :
17 : I, Philip J. Berg, Esquire, hereby certify a true and correct copy of Plaintiffs
18 : Objections to Defendant Orly Taitz's Declaration was served through the ECF filing
19 : system and/or mail this 31st day of May 2011, upon the following:
20 :
21 :
22 : Jason Q. Marasigan
23 : Dack Marasigan, LLC
24 : 23041 Avenida de la Carlota, Suite 300
Laguna Hills, CA 92653
25 : Email: jmarasigan@dacklaw.com
26 : Served via the ECF Filing System
27 :
28 : *Attorney for Defendant, Orly Taitz, Esquire*

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